

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

Electronically Filed

This Document Relates to:

*Ashton, et al. v. Al Qaeda Islamic
Army, et al., 02 CV 06977 (RCC)*

*Burnett, et al. v. Al Baraka Investment
& Development Corp., et al., 03 CV
09849 (RCC)*

**AL RAJHI BANKING & INVESTMENT
CORPORATION'S REPLY MEMORANDUM IN SUPPORT OF ITS
MOTION FOR ORAL ARGUMENT ON ITS RENEWED MOTION TO DISMISS**

Al Rajhi Bank filed its motion for oral argument in an effort to maximize judicial efficiency and minimize the burden on the Court and the parties in these consolidated pre-trial proceedings by avoiding duplicative briefing and oral argument. Contrary to the *Ashton* Plaintiffs' suggestion (*Ashton* Opp. at 1), Al Rajhi Bank does *not* seek to deprive the *Ashton* Plaintiffs of an opportunity to be heard.

The *Ashton* Third Amended Complaint is a copycat complaint that duplicates nearly verbatim the factual allegations against Al Rajhi Bank in the *Burnett* Third Amended Complaint. Compare *Burnett* 3d Am. Compl. ¶¶ 84-85, 304, 388 & 539 with *Ashton* 3d Am. Compl. ¶¶ 559-560, 382, 248. Repetitive briefing of the same points and arguments concerning virtually identical factual allegations against the Bank is unduly burdensome on the Court and parties. To

the extent the *Ashton* Plaintiffs consider the factual allegations against Al Rajhi Bank contained in the *Ashton* Complaint to have been insufficiently addressed in the briefs on Al Rajhi Bank's motion to dismiss and renewed motion in *Burnett*, Al Rajhi Bank does not object to the *Ashton* Plaintiffs filing a supplemental brief limited to new or additional points not already treated by the parties. In such event, Al Rajhi Bank requests it be afforded an opportunity to respond to any new or additional points in a supplemental brief of its own to the extent such a response is warranted.

Al Rajhi Bank reiterates its request for oral argument on its renewed motion to dismiss in *Burnett* at the Court's earliest possible convenience and welcomes the *Ashton* Plaintiffs' participation in that argument to streamline these consolidated proceedings as much as possible. Al Rajhi Bank does not object to the *Burnett* Plaintiffs' request that the Court hear oral argument on other Defendants' motions at the same time (*Burnett* Response at 2-3). Al Rajhi Bank suggests that, to ensure unity of the issues to be heard, it may be appropriate to limit any such simultaneous argument to fully briefed motions of other non-sovereign banking defendants.

Dated: Washington, D.C.
April 9, 2004

Respectfully submitted,

WHITE & CASE LLP

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2004, I caused a true and correct copy of Defendant Al Rajhi Banking & Investment Corporation's Reply Memorandum In Support Of Its Motion For Oral Argument On Its Renewed Motion To Dismiss to be served: (1) by the Court's Electronic Case Filing System upon all parties scheduled for electronic notice; and (2) by first-class mail, postage prepaid upon all parties designated for hard-copy service by the Court's Electronic Filing System.

/s/ Nicole E. Erb

Nicole E. Erb